

AMENDED IN SENATE APRIL 28, 2004

SENATE BILL

No. 1166

Introduced by Senator Chesbro

February 2, 2004

An act to add Section 4217 to the Government Code, relating to public works.

LEGISLATIVE COUNSEL'S DIGEST

SB 1166, as amended, Chesbro. Public works.

Existing law requires every operator of a subsurface installation, except the Department of Transportation, to be a member of a regional notification center. A regional notification center provides advanced warning of excavations or other work close to existing subsurface installations for the purpose of protecting those installations from damage.

This bill would authorize a design professional, defined as a person holding a valid professional engineer's license or a valid professional land surveyor's license, to obtain ~~information regarding the marking of~~ the location of subsurface installations ~~from~~ *through* the appropriate regional notification center, if the design professional is retained to perform a fixed work, geotechnical engineering, soils engineering, or land surveying, and needs to know the location of subsurface installations.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 4217 is added to the Government Code, to read:

4217. (a) A design professional may obtain ~~information regarding the location of subsurface installations from the appropriate regional notification center~~ *marking of subsurface installations as provided in Section 4216.3*, if either of the following apply:

(1) The design professional is retained to prepare or assist in the preparation of plans and specifications for a fixed work, and the ~~plans require the design professional~~ *design professional is contracted to or required* to show the location or approximate location of subsurface installations.

(2) The design professional is retained to perform geotechnical engineering, soils engineering, or land surveying and the design professional needs to know the location or approximate location of subsurface installations to perform geotechnical engineering, soils engineering, or land surveying.

~~(b) A design professional may also obtain information regarding the location of subsurface installations in the manner as otherwise provided in this article with respect to other classes of individuals or entities. The design professional may obtain the information in a timely manner to perform the engineering or surveying work involved.~~

(b) The design professional shall, if practical, delineate in white paint or other suitable color, the area to be marked. The design professional shall thereafter notify the appropriate regional notification center not less than 10 days prior to the date for marking the subsurface installation. The design professional shall provide his or her registration or license number, the name of the design professional's client, and the date of the contract with the client. The appropriate regional notification center shall notify the operator or operators who have one or more subsurface installations within the area delineated for marking, and those operators shall mark their subsurface installations using the color code provided for in Section 4216.3.

(c) The regional notification center shall assign an inquiry identification number to every design professional who contacts the center and requests ~~information~~ *marking*. The inquiry

1 identification number shall be valid for the ~~duration of the~~
2 ~~engineering or surveying work performed by the design~~
3 ~~professional~~ *period specified in Section 4216.2.* The assignment of
4 a valid inquiry identification number to a design professional does
5 not excuse an excavator from providing a timely inquiry to the
6 appropriate regional identification center pursuant to Section
7 4216.2. *The form assigning the inquiry identification number to a*
8 *design professional shall be different in color from the form*
9 *assigning the inquiry identification number to an excavator*
10 *pursuant to subdivision (c) of Section 4216.2.*

11 (d) *The design professional shall pay two hundred fifty dollars*
12 *(\$250) to the regional notification center for each request that*
13 *results in marking the location of subsurface installations. The two*
14 *hundred and fifty dollars (\$250) fee will cover all the markings*
15 *included in the request.*

16 (e) For purposes of this section, a “design professional” means
17 a person holding a valid professional engineer’s license issued
18 pursuant to Chapter 7 (commencing with Section 6700) of
19 Division 3 of the Business and Professions Code, or a person
20 holding a valid professional land surveyor’s license issued
21 pursuant to Chapter 15 (commencing with Section 8700) of
22 Division 3 of the Business and Professions Code.

23 ~~(e)~~

24 (f) Nothing in this section shall be construed to subject a design
25 professional to the liabilities applicable to an excavator pursuant
26 to this article.

27 (g) *Except as otherwise expressly provided, nothing in this*
28 *section shall change the responsibility or liability of an operator,*
29 *a state agency, a local agency, or an excavator for the activities*
30 *undertaken to mark or locate subsurface installations.*

31 SEC. 2. *This act shall become operative on January 1, 2006.*